

SULLIVAN & CROMWELL LLP

TELEPHONE: 1-212-558-4000
FACSIMILE: 1-212-558-3588
WWW.SULLCROM.COM

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/14/2020

LOS ANGELES • PALM BEACH • WASHINGTON, D.C.

BRUSSELS • FRANKFURT • LONDON • PARIS

BEIJING • HONG KONG • TOKYO

MELBOURNE • SYDNEY

December 14, 2020

Via ECF

Hon. Analisa Torres, U.S.D.J.
U.S. District Court for the Southern District of New York,
Daniel Patrick Moynihan United States Courthouse,
500 Pearl Street,
New York, New York 10007

Re: United States v. Cave, Case No. 1:18-cr-00689-AT

Dear Judge Torres:

We represent Mr. Cave in the above-captioned action. Sentencing is currently scheduled for January 14, 2021 at 2:00 p.m. We write to request an adjournment of this sentencing date in light of the suspension of in-person operations due to the COVID-19 pandemic. *See* Standing Order, *In re Coronavirus/COVID 19 Pandemic*, 20 Misc. 622, ECF No. 1 (S.D.N.Y. Nov. 30, 2020, the “Standing Order”). The Court has previously adjourned sentencing in this matter and, when permitting substitution of counsel in October 2020, expressed that the January 2021 date would not be further extended. Until entry of the Standing Order, we and Mr. Cave were prepared to proceed with sentencing.

Based on the Standing Order, however, it will not be possible for Mr. Cave to attend sentencing on January 14, as “in-person operations in the Southern District of New York [have been] suspended until January 15, 2021.” Criminal matters, including sentencings, may, in conformity with the CARES Act, proceed by video teleconferencing if the defendant waives the right to be physically present. *See* CARES Act, Pub. L. No. 116-136, § 15002(b)(2)(A), (4), 134 Stat. 281, 528-29 (2020); *In re Coronavirus/Covid-19 Pandemic*, 20 Misc. 176, ECF No. 3 (S.D.N.Y. Sept. 16, 2020). There is no reason, however, that the Court cannot postpone this matter.¹ Among other things, Mr. Cave looks forward to addressing the changes that he has made since his arrest and how he intends to

¹ Mr. Cave is currently being detained and faces a mandatory minimum sentence of fifteen years. As such, sentencing may be delayed without “serious harm to the interests of justice.” CARES Act § 15002(b)(2)(A), 134 Stat. at 529.

Hon. Analisa Torres

-2-

use his time productively while incarcerated to lay the foundation for a successful life upon his release. Given the importance of the proceeding and the imperfect quality of available video teleconferencing technology, Mr. Cave would like to address the Court in person when it is safe to do so, and he hopes that family members will also be able to attend.

In accordance with Rule 2(B) of the Court's Emergency Individual Rules and Practices in Light of COVID-19 (rev. Mar. 23, 2020), we have conferred with the Government and understand the Government does not object to the requested adjournment of Mr. Cave's sentencing.

We appreciate the Court's attention to this matter.

Respectfully submitted,

/s/ Alexander J. Willscher

Alexander J. Willscher
James C. Manning

cc: All Counsel of Record (via ECF)

GRANTED. The sentencing scheduled for January 14, 2021, is ADJOURNED to **April 5, 2021, at 11:00 a.m.** Defendant's sentencing submission is due two weeks prior to sentencing. The Government's submission is due one week prior to sentencing.

SO ORDERED.

Dated: December 14, 2020
New York, New York



ANALISA TORRES
United States District Judge